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IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

CARMEN POWELL, Plaintiff, v. CITY OF CHULA VISTA; CHULA VISTA POLICE DEPARTMENT; DET. RUTH HINZMAN; AGT. ANDERSON; AGT. OYOS; SGT. CERVANTES; AND PERSON ENTITIES UNKNOWN; COUNTY OF SAN DIEGO AND SAN DIEGO COUNTY PROTECTIVE SERVICES WORKERS JULIE SMITH, NADIA NAJORS, MEGAN PETFINGER, REBECCA SLADE AND PERSONS AND ENTITIES UNKNOWN, CHILDREN'S HOSPITAL; DIANA CHASE, NURSE DEBRA DAVIES, LCSW, Defendants.	No. 07-cv-1836-JAH(JMA) **REPLY MEMORANDUM IN SUPPORT OF MOTION TO DISMISS** Date: April 28, 2008 Time: 2:30 p.m. Dept.: 11 - Courtroom of the Honorable John A. Houston Trial Date: None

Pursuant to plaintiff's request this court continued the hearing on defendant's motion to dismiss and extended the time for plaintiff to file her opposition to March 7, 2008. Plaintiff did not file or serve defendant with any opposition. Pursuant to

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7.1(f)(3)(c) the failure to file an opposition should be construed as plaintiff's consent to granting of the motion. Defendant's motion to dismiss should be granted.

DATED: March 21, 2008 Respectfully submitted,

JOHN J. SANSONE, County Counsel

By: s/ RICKY R. SANCHEZ, Senior Deputy
Attorneys for Defendant Julie Smith
E-mail: ricky.sanchez@sdcounty.ca.gov

Declaration of Service

I, the undersigned, declare:

That I am over the age of eighteen years and not a party to the case; I am employed in, or am a resident of, the County of San Diego, California where the service occurred; and my business address is: 1600 Pacific Highway, Room 355, San Diego, California.

On March 21, 2008, I served the following documents: **REPLY MEMORANDUM IN SUPPORT OF MOTION TO DISMISS** in the following manner:

☐ By personally delivering copies to the person served.

☒ By placing a copy in a separate envelope, with postage fully prepaid, for each addressee named below and depositing each in the U. S. Mail at San Diego, California.

Carmen Powell, 372 Bay Leaf Drive, Chula Vista, California 91910 (Plaintiff in Pro Per)

☐ By faxing a copy to the person served. The document was transmitted by facsimile transmission and the transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

☒ By electronic filing, I served each of the above referenced documents by E-filing, in accordance with the rules governing the electronic filing of documents in the United States District Court for the Southern District of California, as to the following parties:

Please see attached list

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 21, 2008, at San Diego, California.

[signature]
ROSANNA LONERO

List of Parties Served Via Electronic Filing

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